IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 24TH MAY 2007 / 3RD JYAISHTA 1929

WP(C).No. 9285 of 2007(E)

PETITIONER:

THOMMAN, S/O.PAILY, AGED 68 YEARS,
CHAMACKALA HOUSE, IRINGOLE (P.O),
PERUMBAVOOR.

BY ADV. SRI.C.K.ABDUL RAHIM

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY ITS
SECRETARY TO THE REVENUE DEPARTMENT,
GOVT.SECRETARIAT, THIRUVANANTHAPURAM.

2. THE DISTRICT COLLECTOR,
ERNAKULAM, CIVIL STATION,
KAKKANADU, ERNAKULAM.

3. THE TAHASILDAR, KUNNATHUNADU,
PERUMBAVOOR (P.O)

4. THE VILLAGE OFFICER,
PERUMBAVOOR, PERUMBAVOOR (P.O)

BY G.P. SRI.I.V.PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO. 9285 OF 2007

DATED THIS THE 24th DAY OF MAY, 2007

JUDGMENT

The petitioner is challenging the retrospective demand for revised lease rent under the 'Kuthakapattam' rules. According to him, the respondents are not competent to demand lease rent retrospectively.

2. The learned Government pleader points out that the petitioner has an effective alternate remedy either by way of an appeal or by way of revision as provided under the 'Kuthakapattam' rules.

3. In view of the fact that the petitioner can agitate his claim in an appeal or revision filed under the 'Kuthakapattam' rules, I dispose of this writ petition with the following directions.

4. The petitioner may file an appeal or revision as provided under the 'Kuthakapattam' rules within a period of one month from the date of receipt of a copy of this judgment. If such an appeal or revision is filed as provided under the rules, the appropriate revisional authority shall dispose of the same as expeditiously as possible .

5. The petitioner has been approaching this Court time and

again for the reliefs and every time he has been paying a portion of the amount as a condition for stay of further proceedings. In this writ petition also an interim stay has been issued on condition that the petitioner remits an amount of Rs.25,000/- on or before 29.3.07. The learned counsel for the petitioner submits that the petitioner has already paid the amount.

In view of the fact that the petitioner has already paid substantial portion of the demand, I direct that proceedings for recovery of the balance amount shall be kept in abeyance till disposal of the appeal/revision to be filed by the petitioner as directed above.

S. SIRI JAGAN, JUDGE

Acd